

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 59 be amended to read as follows:

- 1           Replace the effective dates in SECTIONS 1 through 12 with
- 2           "[EFFECTIVE JULY 1, 2010]".
- 3           Page 4, line 4, after "(4)" insert "**subject to subsection (c),**".
- 4           Page 4, between lines 12 and 13, begin a new paragraph and insert:
- 5           "**(c) A grandparent or great-grandparent has standing to seek**
- 6           **visitation rights under subsection (a)(4) only if a parent has**
- 7           **relinquished physical control and care of the child to the**
- 8           **petitioning grandparent or great-grandparent for a substantial**
- 9           **time.**".
- 10          Page 4, delete lines 13 through 42, begin a new paragraph and
- 11          insert:
- 12          "**SECTION 7. IC 31-17-5-2 IS AMENDED TO READ AS**
- 13          **FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) For purposes of**
- 14          **this chapter, there is a rebuttable presumption that a parent acts**
- 15          **in the best interests of the parent's child.**
- 16          **(b) A grandparent or a great-grandparent may not be granted**
- 17          **visitation rights unless the grandparent or great-grandparent**
- 18          **rebutts the presumption under subsection (a).**
- 19          ~~(a)~~ **(c) The court may grant visitation rights if the court determines**
- 20          **that the grandparent or great-grandparent has rebutted the**
- 21          **presumption under subsection (a) and that visitation rights are in the**
- 22          **best interests of the child. In determining the best interests of the**
- 23          **child, the court shall consider all relevant factors, including the**
- 24          **following:**

- 1           **(1) The age and sex of the child.**
- 2           **(2) The wishes of the child's parent, parents, grandparent,**
- 3           **grandparents, great-grandparent, or great-grandparents.**
- 4           **(3) The wishes of the child, with more consideration given to**
- 5           **the child's wishes if the child is at least fourteen (14) years of**
- 6           **age.**
- 7           **(4) The interaction and interrelationship of the child with:**
- 8                 **(A) the child's parent or parents; and**
- 9                 **(B) the child's grandparent, grandparents,**
- 10                **great-grandparent, or great-grandparents.**
- 11           **(5) The mental and physical health of all individuals involved.**
- 12           **(6) Evidence of a pattern of domestic or family violence by the**
- 13           **child's grandparent, grandparents, great-grandparent, or**
- 14           **great-grandparents.**
- 15           **(7) Evidence that the child has been cared for by the child's**
- 16           **grandparent, grandparents, great-grandparent, or**
- 17           **great-grandparents.**

18           ~~(b)~~ **(d)** In determining the best interests of the child under this  
 19 section **for a grandparent or great-grandparent seeking visitation**  
 20 **under section 1(a)(1) through 1(a)(3) of this chapter**, the court may  
 21 consider whether a grandparent **or great-grandparent** has had or has  
 22 attempted to have meaningful contact with the child.

23           ~~(c)~~ **(e)** The court may interview the child in chambers to assist the  
 24 court in determining the child's perception of whether visitation by a  
 25 grandparent **or great-grandparent** is in the best interests of the child.

26           ~~(d)~~ **(f)** The court may permit counsel to be present at the interview.  
 27 If counsel is present:  
 28                 (1) a record may be made of the interview; and  
 29                 (2) the interview may be made part of the record for purposes of  
 30 appeal."

31 Page 5, delete lines 1 through 6.  
 32 Page 6, delete line 28.  
 33 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 59 as printed February 22, 2010.)

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Representative Noe